

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

CHAMBERS OF  
WILLIAM M. NICKERSON  
UNITED STATES DISTRICT JUDGE

NOV - 3 1999

101 W. LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-9810  
FACSIMILE (410) 962-2577

November 3, 1999

CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

BY

To all Counsel

RE: Alvin Sherman, et al. v. Mayor and City Council of Baltimore, et al.

Civil Action No. WMN-97-4374

Dear Counsel:

The Court is in receipt of Defendants' letter dated October 27, 1999, requesting that this Court extend the scheduling order to allow the City to take all necessary depositions. Defendants assert that the Court misunderstood its previous Motion for Reconsideration. Plaintiffs have responded. For the reasons stated below, this Court denies Defendants' request.

On October 25, 1999, the Court granted Defendants' Motion for Reconsideration despite Defendants' continued failure to comply with discovery deadlines. The Court reconsidered its previous order insofar as it allowed the inclusion of Defendants' expert, Patrick Kerr. The Court was thoroughly unpersuaded by Defendants' excuses but, nonetheless, granted partial relief because of the extreme hardship that would be caused to Defendants' client. See Sullivan v. Glock, Inc., 175 F.R.D. 497, 507 (D. Md. 1997). The Court did not extend the scheduling order at Defendants' behest because (1) the Motion for Reconsideration focused almost entirely on the exclusion of Defendants' expert; and (2) the Court did not find ample justification.

The Court's memorandum made clear that discovery deadlines in this case may only be reopened upon Plaintiffs' motion in order to conduct discovery relevant to Defendants' expert, Patrick Kerr. The Court found no justification at the time that it considered Defendants' Motion for Reconsideration and continues to find no valid reason to allow Defendants to take another "bite at the apple." Defendants' request for an extension of the scheduling order (Paper No. 37) is hereby denied.

Although this letter is informal in nature, it is an order of the Court and shall be docketed as such.

Sincerely,



William M. Nickerson  
United States District Judge

38  
WMN